



Tree Canopy Code Amendments Engagement Comment Themes

Phase One | June 2023

SUMMARY OF PHASE ONE ENGAGEMENT COMMENT THEMES

Due to the level of public interest in this project, staff have incorporated an additional phase of engagement compared to most code amendment projects. During this initial “listening” phase of work, staff focused on gathering input from as many people as possible. As a result, this summary document cannot capture detail from every individual response, but several specific themes and comments were repeatedly identified across multiple responses. Staff appreciate the time members of the public have dedicated to providing thoughtful comments and questions on the project, and are making an effort to convey this detail in a more digestible, but representative, format.

This document summarizes comments and discussion from commentors and phase one engagement activity participants by significant themes. These themes, which are not presented in any particular order, are:

- Preventing and mitigating tree loss
- Supporting a healthy canopy and community
- Accommodating different preferences
- Maintaining development capacity
- Enforcing regulations
- Keeping people and property safe

Preventing and Mitigating Tree Loss

Many stakeholders expressed concerns that too many trees are being removed in Bellevue, particularly large, healthy trees. They also shared perceptions that not enough is being done to mitigate tree removal, and a desire for any mitigation to take place as close to the tree removal as possible (Either on site or in the neighborhood). Stakeholders shared perceptions that many in the community are not aware of Bellevue’s tree regulations, and that the current permit threshold could lead to excess tree loss due to a lack of tracking mechanisms when property changes hands. They also acknowledge that, if regulations become overly complicated or expensive, compliance can suffer.

There is general tension in the community around how much tree removal is required to accommodate development, particularly for large homes. Many stakeholders expressed concerns about properties being cleared of trees in advance of development.

Suggestions stakeholders provided for regulatory changes to address these concerns include:

- Reducing the diameter definition for significant trees
- Incorporate alternative diameter definitions for common species that are naturally small or large
- Requiring an affordable, easy to obtain permit to remove any significant tree
- Expanding tree replacement requirements
- Encourage retaining large trees, particularly trees that are notable for their species

- Discouraging lot clearing before development

Ideas for program implementation that do not require regulatory changes:

- Education for new homeowners on Bellevue's tree regulations

Supporting a Healthy Canopy and Community

Many stakeholders stressed the importance of trees' benefits for the community by providing environmental and aesthetic benefits. Many noted the increased magnitude of benefits that large trees provide, while also acknowledging that overemphasizing large trees can come at the expense of supporting future growth and canopy diversity. Many expressed concerns that access to canopy can be inequitable, and that the city's regulations and programs should focus on improving tree equity. Many expressed an interest in implementing regulations that respond to the existing canopy on a site, rather than a "one size fits all" requirement.

Many stakeholders noted that large trees may not be well suited to their environment after development, and that regulations should incorporate flexibility to select trees that have sufficient room to grow once development is complete. While many expressed a strong preference for native species, many have also acknowledged that Bellevue's climate is changing, and species guidance should anticipate which trees will thrive in the future. Many have noted that current regulations lack objective standards for tree health.

Suggestions stakeholders provided for regulatory changes to address these concerns include:

- Update retention requirements to achieve consistent minimum canopy, regardless of existing canopy on site.
- Updating retention criteria to:
 - Encourage "the right tree in the right place"
 - Encourage native and climate-resilient species
 - Discourage retaining or planting invasive species
 - Encourage trees that provide canopy coverage over asphalt, to prevent heat island effects
 - Avoid emphasizing large trees at the expense of tree diversity
- Update definition of "healthy trees" to align with objective arboriculture industry standards

Ideas for program implementation that do not require regulatory changes:

- Provide educational materials on species that are well suited to a changing climate, and to different urban spaces
- Continue to analyze canopy frequently
- Continue to incorporate equity into tree planting programs

Accommodating Different Preferences

Opinions around trees and tree regulation are complex, and generate deep emotions from multiple sides within Bellevue's community. Some stakeholders shared concerns that property owners should maintain the right to make decisions about trees on their own property. Specific variations in preferences around trees included individual interests in maintaining views, maintaining access to sun, and acknowledging that some residents do not feel comfortable

living close to tall trees. They note that regulatory changes should be calibrated to accommodate reasonable differences in preference around trees.

Maintaining Development Capacity

Representatives of the development community have noted that tree regulations must be predictable and clear to avoid impacts to housing production. Standards should be objective, rather than incorporating subjective staff review in making decisions. Regulations should be directly aligned with tree canopy goals, which should in turn be supported by data.

When regulations increase review times, increased project costs are passed on to the eventual homeowner or renter. Stakeholders also requested flexibility in achieving requirements, such as in incorporating replanting up to a minimum canopy level to account for cases when it is not feasible to build around large trees. They also recommend incorporating a qualified arborist's input in deciding which trees to retain, and how to select plantings. They shared concerns that retention based on a percentage of existing trees incentivizes lot clearing. Without incorporating flexibility for sites with a large number of trees, it can be challenging to accommodate development. Stakeholders have suggested focusing on incentives to encourage better tree retention outcomes rather than focusing on requirements. They also requested the ability to provide in-lieu fees, or the use of tree banks to achieve tree retention requirements.

Stakeholders noted specific challenges with tree regulations and middle housing types, and thinking ahead to ensure any changes do not pose issues for these types of housing. They noted that large trees are particularly challenging to accommodate in infill development, and that accommodating infill is essential to meet Bellevue's growth needs.

Suggestions stakeholders provided for regulatory changes to address these concerns include:

- Incorporate flexibility for replanting to achieve retention goals
- Evaluate alternatives for off-site tree mitigation, such as in-lieu fees and tree banks
- Develop incentives to encourage better tree outcomes, such as: preserving larger trees and resilient species, removing invasives, and providing flexibility in setbacks to accommodate tree retention
- Incorporate flexibility for different lot sizes and development types

Ideas for program implementation that do not require regulatory changes:

- Providing a pre-development checklist to help applicants achieve early agreement with city staff on how their projects will meet retention requirements

Enforcing Regulations

Many stakeholders shared concerns that neighboring cities have stricter regulations compared to Bellevue, and perceptions that Bellevue does not adequately enforce its regulations. On the other hand, some shared concerns that recent tree code updates in some neighboring cities have gone too far. Stakeholders shared support for imposing financial penalties for violations, provided regulations are easy to follow and the process is fair and predictable. Others noted the importance of encouraging or incentivizing compliance, rather than only focusing on punishments.

Some stakeholders expressed concerns that the city lacks consequences for tree service companies and professionals that repeatedly violate regulations, and may deceive homeowners about regulations or accommodate homeowners deliberately avoiding regulations.

While out of the scope of this project, several stakeholders noted frustration with regulations around trees in critical areas, and the complexity of the process to remove such trees.

Suggestions stakeholders provided for regulatory changes to address these concerns include:

- Implementing some form of inspection to confirm tree assessments are accurate and that approved retention plans are being implemented
- Requiring printed permits to be available on site when tree removal is occurring
- Evaluating tree service provider registries as a permit requirement, and removing repeat violators from such registries

Keeping People and Property Safe

Stakeholders noted that trees, particularly large trees, can become safety hazards and cause property damage. They stressed the importance of ensuring there is a clear process to remove hazardous trees, and also to address trees that are not hazardous but are causing significant nuisances. Some also shared concerns that property owners may attempt to remove trees they believe are hazardous without consulting with an arborist, or they may falsely claim a tree is hazardous. Some stakeholders also expressed concerns with the way trees are removed, and ensuring that trees are removed safely by qualified contractors.

Suggestions stakeholders provided for regulatory changes to address these concerns include:

- Implementing objective definitions and regulations for removing hazardous trees
- Providing accommodations for removing trees that are significant nuisances, such as incorporating input from an arborist

Ideas for program implementation that do not require regulatory changes:

- Providing educational materials on tree species that are less likely to damage nearby pavement